

LBR 1007.1
INITIAL FILINGS

(a) Assembly of Petition and Accompanying Documents. Conventionally filed petitions (i.e., those not filed electronically, usually by pro se debtors), schedules and statements of affairs, and lists of creditors must conform to the Official Bankruptcy Forms and be printed on one side of the paper only. **No** All original documents and pleadings filed with the court ~~must be two-hole punched at the top and must not~~ **shall** be stapled.

(1) Voluntary petitions and accompanying documents, if applicable, must be assembled in the following order:

- (A) petition (Official Form 1 and any accompanying exhibits);
- (B) statement of financial affairs (Official Form 7);
- (C) list of creditors holding 20 largest unsecured claims (Official Form 4, only in Chapter 11);
- (D) schedules A through J (Official Forms B-6A thru B-6J, inclusive);
- (E) summary of schedules (Official Form B-6-Summary, Cover Sheet);
- (F) statistical summary of certain liabilities (Official Form B-6-Summ2, Cover Sheet);
- (G) declaration concerning debtor's schedules (Official Form B-6-Decl.);
- (H) Chapter 7 individual debtor's statement of intention (Official Form B-8);
- (I) Rule 2016(b) statement of attorney compensation (Procedural Form B-203);
- (J) statement of current monthly income and means test calculation (Procedural Form B-22A, in Chapter 7);
- ~~(K) statement of current monthly income and means test calculation with separate IRS housing allowance (Procedural Form B-22A, in Chapter 7);~~
- ~~(L) statement of current monthly income (Procedural Form B-22B, in Chapter 11);~~
- (ML)** statement of current monthly income and disposable income calculation (Procedural Form B-22C, in Chapter 13);
- ~~(N) statement of current monthly income and disposable income calculation with separate IRS housing allowance (Procedural Form B-22C, in Chapter 13);~~
- ~~(OM)~~ declaration and signature of non-attorney bankruptcy petition preparer (Procedural Form 19A);
- (PN)** notice to debtor by non-attorney bankruptcy petition preparer (Procedural Form 19B);
- ~~(O)~~ for a case filed under Chapter 11, and for which the debtor elects small business status, the most recent balance sheet, statement of operations, cash-flow statement, and Federal income tax return; or a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed; and
- (RP)** certificate required under § 521(a)(1)(B)(iii)(I) or (II) (Procedural Form 201).

(2) The following documents, if applicable, must **not** be attached to the petition:

- (A) application to pay filing fees in installments (Official Form 3A);
- (B) application for waiver of Chapter 7 filing fee (Official Form 3B);
- (C) matrix and matrix verification;
- (D) the plan (if submitted when petition is filed in Chapters 11, 12 and 13);
- (E) Procedural Form B-21 Statement of Social Security Number;
- (F) A Declaration Regarding Payment Advices or Evidence of Payment under 11 U.S.C. § 521(a)(a)(B)(iv), in compliance with Appendix 1-01 to LBR 1007.1, that the**

debtor has either not been employed by any employer within the 60 days before filing of the petition, that the debtor was employed within the 60 days, but has not received payment advices or other evidence of payment, or that copies of payment advices or other evidence of payment are attached, if any, (with all but the last four numbers of the debtor's Social Security Number redacted), received by the debtor from an employer within 60 days before the filing of the petition;

(G) a record of any interest that the debtor has in an account or program of the type specified in § 521(c); and

(H) a certificate for credit counseling and debt repayment plan, if any, a certification under § 109(h)(3), or a request for determination by the court under § 109(h)(4).

(3) Electronically filed petitions must follow the same order as listed in paragraph (a)(1) above, except that the Declaration Re: Electronic Filing must be conventionally submitted in lieu of Form B-21.

(b) Matrix. Every petition must be accompanied by a matrix in a form prescribed by the clerk and adopted by D. Kan. Bk. S.O. 05-1. Names and complete addresses of creditors must be listed in alphabetical order. The first and succeeding pages of a conventionally filed matrix must list on the reverse side of the page the name of the debtor.

Every matrix, whether original or amended, must be signed and verified as provided in Fed. R. Bankr. P. 1008.

(c) Creditors' Schedules. Creditors must be listed alphabetically with the full address of each, including post office box or street number, city or town, state and zip code. If it is known that the account or debt, including any applicable domestic support obligation, as that term is defined in § 101(14A), has been assigned or is in the hands of an attorney or other agency for collection, the full name and address of such assignee or agent must be set forth, but without twice extending the dollar amount of the debt. Each entry required by this subsection must be separated by two spaces from the next succeeding entry. If an agency of the United States or the State of Kansas is listed as a creditor, the agency must be noticed as provided by D. Kan. Bk. S.O. 05-7.

* * *

As amended 3/17/07, 10/17/05, 3/17/05.

Appendix 1-01 to LBR 1007.1(F)
(Must be filed by every individual debtor)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF KANSAS

In Re:)
) Case No.
Debtor(s).)

**DECLARATION REGARDING PAYMENT ADVICES OR EVIDENCE
OF PAYMENT UNDER 11 U.S.C. § 521(a)(1)(B)(iv)**

I declare (or certify, verify, or state) under penalty of perjury that the following is true and correct (CHECK ONE OF THESE BOXES):

☐ I have not been employed by any employer within the 60 days before the date of the filing of the petition.

☐ I was employed by an employer within 60 days before the date I filed my bankruptcy petition, but I have not received payment advices or other evidence of payment because

_____.

☐ I have received payment advices or other evidence of payment within 60 days before the date I filed my bankruptcy petition from any employer, and they are attached, except

_____.

Executed on _____ (date) by _____ (debtor)

Comment: Paragraph (a) was amended stylistically. Previous paragraphs (a)(1)(K) and (a)(1)(N) were stricken to correspond to revisions of the Official Forms. Paragraph (a)(2)(F) was amended to incorporate former D. Kan. Bk. S.O. 06-03. The rule was further amended to include, as an appendix, a form for submitting the required information.

LBR 3001.1
CLAIMS

(a) **Service.** Claimants in Chapters 11, 12, and 13 must send a copy of the proof of claim to ~~debtor's counsel, or~~ **directly** to the debtor **at the time of filing**, if **the debtor is** not represented by **counsel** ~~at the time of filing~~.

(b) **Withdrawal of Written Instruments Filed with Claims.** Written instruments or other documents conventionally filed with a proof of claim may be withdrawn upon written request of the claimant, provided the request is accompanied by photostatic or other exact copies of the documents to be withdrawn. If the documents are negotiable instruments, the originals must be stamped with a statement indicating they were filed in support of a claim and showing the name, case number and the date the claim was filed.

(c) **Secured and Unsecured Claims.** A proof of claim must indicate whether the claim is secured, unsecured, or if both, must specify the respective amounts claimed. The claim may include proposed amounts for secured and unsecured claims and must clearly indicate that it includes a proposed amount.

(d) **Amendment to Claim in Chapter 7.** A proof of claim, other than a priority claim, may be amended at any time prior to notice of final distribution by the trustee, but not thereafter. A priority claim may be filed or amended on or before the date that is ten days after the mailing to creditors of the summary of the trustee's final report or the date on which the trustee commences final distribution under § 726, whichever is earlier. If the trustee has not objected to secured claims, he or she must give 20 days' notice to all parties who have filed secured claims of his or her intent to file and serve a notice of final distribution.

(e) **Filing of Requests for Administrative Expenses in a Chapter 7 Case.** A request for payment of administrative expenses must be filed prior to the notice of final distribution by the trustee.

* * *

As amended **03/17/07**, 10/17/05.

Comment: This rule was amended to minimize redundant copies of claims being served on debtor(s)' counsel.

LBR 3015(b).1
CHAPTER 13 PLAN AND PRE-CONFIRMATION
ADEQUATE PROTECTION PAYMENTS

(a) **Filed with Petition.** A Chapter 13 plan filed with the petition will be served, together with notice of the time for filing objections and the hearing to consider confirmation, by the Bankruptcy Noticing Center ("BNC").

(b) **Filed after Petition.** A plan filed after the petition must be served, together with notice of the time for objections and the hearing to consider confirmation, by the debtor's attorney, or the debtor if not represented. A certificate of service must be filed within five days of service.

(c) **Failure to File.** Unless an extension has been obtained, failure to file a plan, together with a certificate of service, prior to the first scheduled meeting of creditors held pursuant to § 341 will result in dismissal of the case for unnecessary delay without further notice to the debtor or counsel.

(d) **Treatment of Real Estate Mortgage Arrearage Claims and Continuing Payments.** A timely claim for mortgage payments or mortgage arrearages will be paid by the Chapter 13 trustee, as filed and allowed, and the amount stated in the proof of claim will control over any plan, unless an order, stipulation, or specific language in the Order of Confirmation otherwise directs payment.

(e) **Treatment of Priority Claims.** A timely priority claim will be paid in full by the Chapter 13 trustee, as filed and allowed, and the amount stated in the proof of claim will control over any plan, unless an order, stipulation or specific language in the Order of Confirmation otherwise directs payment.

(f) **Objection to claim.** Nothing in this Rule abrogates the right of the debtor, trustee or other party in interest to object to any claim.

(g) **Plan Payments; Adequate Protection Payments under § 1326(a)(1)(C):**

(1) **Pre-confirmation § 1326(a)(1) Payments to Trustee:** Unless the court orders otherwise, debtors shall pay directly to the trustee all pre-confirmation adequate protection payments payable to creditors whose claims are secured by purchase money security interests in personal property. The trustee shall promptly distribute those payments to the secured creditors whose interests are being protected, except the trustee shall be permitted to retain the portion of the payment representing the statutory percentage trustee fee required to be paid under subsection (g)(2)(ii).

(2) **Plan Payments:** The Chapter 13 plan shall specify the amounts to be paid on account of each allowed secured claim to be treated under the plan. The total amount of the plan payment to be made to the trustee by a debtor pursuant to § 1326(a)(1) shall include: (i) an amount equal to any proposed adequate protection payment to each secured creditor whose claim is secured by a purchase money security interest; (ii) any trustee's fees to be paid upon the distribution of a payment described in (i); and (iii) any other amounts to be paid to the trustee under the plan. ~~The plan shall contain the name of any secured creditor to receive pre-confirmation adequate protection payments, the proper service address for receipt of payments by that creditor, and the account number.~~

(3) **Amount of Adequate Protection Payments under § 1326(a)(1)(C):** Unless a different payment amount is ordered by the court, the debtor shall pay adequate protection payments equaling the payment provided in the debtor's Chapter 13 plan pursuant to subsection (g)(2)(i) plus statutory percentage trustee fees required by

subsection (g)(2)(ii) when that payment is being made to the trustee. ~~If the secured creditor files a proof of claim specifying a different payment amount, the claim amount will thereafter control for payment and distribution unless the court orders otherwise.~~

(4) Direct Payment Opt-Out: Secured creditors eligible for direct payment of adequate protection under § 1326(a)(1) may opt for such direct payments by filing a motion seeking such treatment and noticing it for objection in accordance with these rules and the procedures of the division in which the case is pending. If no timely objection is filed, the court may enter an order requiring direct payments without further hearing. In the event such an order is entered, the debtor shall make those payments directly to the secured creditor, and file a certification of such payments in accordance with § 1326(a)(1)(C).

(5) Pre-confirmation Disbursements of Adequate Protection Payments to Secured Creditors by Trustee: Pre-confirmation disbursements of adequate protection payments under § 1326(a)(1) are hereby authorized without further order, but such disbursements shall not be made unless the secured creditor has filed a proof of claim with the court. Pre-confirmation disbursements under § 1326(a)(1) shall be made to creditors within 30 days of the filing of the proof of claim, unless, within seven business days prior to the end of such 30-day period, the trustee has not received sufficient, cleared funds to make such payment. The trustee is authorized to deduct from an allowed claim all § 1326(a)(1) pre-confirmation disbursements.

* * *

As amended 3/17/2007, 10/17/05.

Comment: Paragraph (g)(2) was amended to conform with service and address requirements of BAPCPA. A portion of paragraph (g)(3) was stricken as redundant.

LBR 5075.1
ORDERS BY BANKRUPTCY CLERK; REVIEW

(a) Orders.

(1) The clerk is authorized to sign and enter the following orders without further direction by the court:

(A) in adversary proceedings,

(i) an order extending once for ten days, the time within which to answer, reply or otherwise plead to a complaint, cross-claim or counterclaim if the time originally prescribed to plead has not expired;

(ii) a consent order dismissing an action, except in cases governed by Fed. R. Bankr. P. 7023 and/or D. Kan. LBR 7041.1;

(iii) entry of default and judgment by default as provided for in Fed. R. Bankr. P. 7055;

(B) an order for the payment of money on consent of all interested parties;

(C) ~~a consent order for the substitution of attorneys;~~

~~(D)~~ an order permitting payment of filing fees in installments;

~~(E)~~ an order for compliance requiring timely filing of schedules and statements or for compliance with filing requirements and a notice of intent to dismiss for failure to comply;

~~(F)~~ an order granting waiver of Chapter 7 filing fees; and

~~(G)~~ any other order that is specified by Standing Order as not requiring special direction by the court.

(2) Any order submitted to the clerk under this rule must be signed by the party or attorney submitting it, and is subject to the provisions of Fed. R. Bankr. P. 9011 and D. Kan. LBR 9011.3.

(3) Any order submitted to the clerk for an extension of time under paragraph (a) must state:

(A) the date when the time for the act sought to be extended is due;

(B) the date to which the time for the act is to be extended; and

(C) that the time originally prescribed has not expired.

(b) Action Reviewable. Any order entered by the clerk under this rule may be suspended, altered or rescinded as authorized by Fed. R. Bankr. P. 9024.

* * *

As amended **3/17/07**, 10/17/05.

Comment: Paragraph (a)(1)(C) was stricken to conform to the D. Kan Rule 83.5.5 (Withdrawal of Appearance). Subsequent paragraphs were re-lettered.

LBR 7056.1

MOTIONS FOR SUMMARY JUDGMENT

(a) Memorandum in Support. The memorandum or brief in support of a motion for summary judgment must begin with a section that contains a concise statement of material facts as to which the movant contends no genuine issue exists. The facts must be numbered and refer with particularity to those portions of the record upon which the movant relies. **All material facts set forth in the statement of the movant shall be deemed admitted for the purpose of summary judgment unless specifically controverted by the statement of the opposing party.**

(b) Memorandum in Opposition.

- (1)** A memorandum in opposition to a motion for summary judgment ~~must~~ **shall** begin with a section that contains a concise statement of material facts ~~about~~ **as to** which the party contends a genuine issue exists. Each fact in dispute ~~must~~ **shall** be numbered by paragraph, **shall** refer with particularity to those portions of the record upon which the opposing party relies, and, if applicable, shall state the number of movant's fact that is disputed. ~~All material facts set forth in the statement of the movant will be deemed admitted for the purpose of summary judgment unless specifically controverted by the statement of the opposing party. The statements required by this subsection are in addition to the material otherwise required by these rules and the applicable Federal Rules of Bankruptcy Procedure.~~
- (2)** If the party opposing summary judgment relies on any facts not contained in movant's memorandum, that party shall set forth each additional fact in a separately numbered paragraph, supported by references to the record, in the manner required by subsection (a), above. All material facts set forth in this statement of the non-moving party shall be deemed admitted for the purpose of summary judgment unless specifically controverted by the reply of the moving party.

(c) Reply Memorandum. In a reply brief, the moving party shall respond to the non-moving party's statement of undisputed material facts in the manner prescribed in subsection (b)(1).

(cd) Supporting Affidavits. Presentation of Factual Material. All facts on which a motion or opposition is based ~~must~~ **shall** be presented by affidavit ~~or~~, declaration under penalty of perjury, ~~and/or through the use of relevant portions of pleadings, depositions, answers to interrogatories and responses to requests for admissions.~~ Affidavits or declarations ~~must~~ **shall** be made on personal knowledge and by a person competent to testify to the facts stated, ~~which are admissible in evidence.~~ Where facts referred to in an affidavit or declaration are contained in another document, such as a deposition, interrogatory answer, or admission, a copy of the relevant excerpt from the document ~~must~~ **shall** be attached.

(e) Duty to Fairly Meet the Substance of the Matter Asserted. If the responding party cannot truthfully admit or deny the factual matter asserted, the response shall specifically set forth in detail the reasons why. All responses shall fairly meet the substance of the matter asserted.

(df) Time for Filing of Responses and Replies. A party shall have 23 days to file and serve a response to a motion for summary judgment. After service of such a response, the moving party shall have 23 days to file and serve a reply memorandum in support of the motion. The period to respond or reply applies regardless of the method of service because it includes the additional three-day period allowed under Fed. R. Civ. P. 6(e).

(eg) Limit on Responses and Replies. No more than one response and one reply may be filed without prior order of the court.

(fh) Oral Argument. A request for oral argument may be made in the motion or any memorandum.

* * *

As amended 3/17/07, 10/17/05.

Comment: D. Kan LBR 7056.1 is amended to more closely parallel the D. Kan. Rule 56.1 and to clarify that if a specific fact is not controverted, it will be deemed admitted. The revised version better explains how to deal with new sets of facts asserted in subsequent memorandum after the original motion.

LBR 9013.1
BRIEFS AND MEMORANDA

(a) Contents. All briefs and memoranda filed with the court must contain:

- (1) a statement of the nature of the matter before the court;
- (2) a concise statement of the facts supported by reference to the record in the case;
- (3) a statement of the question or questions presented; and
- (4) the argument, which must refer to all statutes, rules and authorities relied upon.

(b) Page Limitations. The arguments and authorities section of briefs or memoranda shall not exceed 30 pages absent an order of the court.

(c) Citation of Unpublished Decisions. An unpublished decision cited in a brief or memorandum shall be attached as an exhibit to the memorandum or brief only if it is unavailable via electronic means (e.g., Westlaw or LEXIS). Unpublished decisions that are available via electronic means shall not be furnished to the court and shall be furnished to opposing parties only upon request. Unpublished decisions should be cited as follows: *In re Smith*, No. 02-12345, 2005 WL 8763523, at *2 (Bankr. D. Kan. Jan. 7, 2005)(if available in an electronic database) or *In re Smith*, No. 02-12345, (Bankr. D. Kan. Jan. 7, 2005), if not.

(d) Additional Copies of Briefs for Court. The court may order the party filing a brief or document to deliver additional working copies to the clerk for use by the judge. **The court may request that any brief be provided by electronic means.**

* * *

As amended 3/17/07, 10/17/05, 3/17/05.

Comment: Paragraph (d) was amended, making it clear that the court can request an electronic copy of any brief filed for its use in drafting the Memorandum and Order.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
STANDING ORDER NO. 05-1
PREPARATION AND FILING OF MATRIX**

Pursuant to D. Kan. LBR 1007.1, all petitions filed must be accompanied by a matrix. A conventionally filed matrix must be prepared in accordance with the following guidelines:

A. An optically scannable creditor(s) matrix (accompanied by a verification) is required when:

- (1) a new case (all chapters) is filed,
- (2) an amendment to a case (all chapters) is filed containing additional creditors. This matrix must list only those additional creditors added to the amendment to schedules.

B. Matrices must be an **original** printed document on standard bond paper, which is free of lines, marks, or smudges.

C. Matrices must be prepared in one of the following standard typefaces or print styles: Courier 10 pitch, Prestige Elite 12 pitch, or Letter Gothic 12 pitch. Character pitch must match character spacing. Do not use proportional spacing. **DOT MATRIX PRINTERS ARE NOT SCANNABLE AND WILL NOT BE ACCEPTED.**

D. Matrices must be typed in a single column with each line left justified. Addresses must be in a single column in order for the optical character reader to scan the material automatically from left to right, line by line.

E. Each name/address must consist of no more than five lines with the city, state, and zip codes located on the last line. **DO NOT** type "attention" lines or account numbers on the last line. If needed, this information is to be placed on the second line of the name/address. There must be at least one blank line between each of the name/address blocks.

F. All states must be two-letter abbreviations (both letters capitalized) and in conformance with postal abbreviations.

G. Lists must be typed so that no letters are closer than one inch from any edge of the document.

H. Each line must not exceed 40 characters in length.

I. In conformance with U.S. Postal Service guidelines, all addresses should be devoid of punctuation, e.g., periods or commas, any and all special characters, e.g., #, %, /, and (), except the hyphen in the ZIP+4 code. **The name and address must not be in all capital letters except for the two-letter state abbreviation.** This is the only exception to the U.S. Postal Service requirements.

J. **DO NOT** include the debtor, joint debtor, attorney for debtor, trustee, or United States trustee on matrices. They will be retrieved automatically by the computer for noticing. The name of the debtor should be listed on the **REVERSE** side of each page for identification purposes.

K. All creditors are to be alphabetized.

L. Do not duplicate names and addresses.

Dated this 1st day of February, 2005⁷.

s/ Robert E. Nugent
ROBERT E. NUGENT
Chief Judge

s/ Janice Miller Karlin
JANICE MILLER KARLIN
Judge

s/ Dale L. Somers
DALE L. SOMERS
Judge

s/ Robert D. Berger
ROBERT D. BERGER
Judge

Comment: Paragraph (I) of the Standing Order was amended to reflect current computer system standards and paragraph (L) was amended stylistically.

~~_____~~ **IN THE UNITED STATES BANKRUPTCY COURT**
~~_____~~ **FOR THE DISTRICT OF KANSAS**
~~_____~~ **STANDING ORDER NO. 05-6**
~~_____~~ **ORDER ADOPTING INTERIM LOCAL RULES**
~~_____~~ **OF THE UNITED STATES BANKRUPTCY COURT**

~~_____~~ On April 20, 2005 the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the Act) (Public Law 109-8, Stat. 23) was enacted into law. Most of the provisions of the Act are effective on October 17, 2005. However, the general effective date of the Act has not provided sufficient time to promulgate rules after appropriate public notice and an opportunity for comment.

~~_____~~ The Bench Bar Committee has recommended the adoption of Interim Local Rules designed to implement the substantive and procedural changes mandated by the Act, as well as to clarify or correct some existing rules. The judges of this court have also approved these Interim Local Rules and recommend the adoption of the Interim Local Rules to provide uniform procedures for implementing the Act.

~~_____~~ In consideration of the foregoing, and pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure,

~~_____~~ IT IS HEREBY ORDERED that the Interim Local Rules are adopted in their entirety without change by the judges of this court effective October 17, 2005 to conform with the Act. The Interim Local Rules apply to all cases pending on, or filed or reopened after October 16, 2005, unless otherwise specifically stated in the Interim Local Rules. The Interim Local Rules shall remain in effect until further order of the court. Those local rules that have not been amended or rescinded by these Interim Local Rules remain in effect for all cases.

~~_____~~ IT IS SO ORDERED.

~~_____~~ Dated this 17th day of October, 2005.

~~_____~~ s/ Robert E. Nugent
~~_____~~ ROBERT E. NUGENT
~~_____~~ Chief Judge

~~_____~~ s/ Janice Miller Karlin
~~_____~~ JANICE MILLER KARLIN
~~_____~~ Judge

~~_____~~ s/ Dale L. Somers
~~_____~~ DALE L. SOMERS
~~_____~~ Judge

~~_____~~ s/ Robert D. Berger
~~_____~~ ROBERT D. BERGER
~~_____~~ Judge

Comment: D. Kan. Bk. S.O. 05-06 is rescinded.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
STANDING ORDER NO. 06-1
ORDER ADOPTING CM/ECF SYSTEM AS FED. R. BANKR. P. 5003
JUDGMENT/ORDER REGISTRY

Fed. R. Bankr. P. 5003 (c) requires the clerk to maintain copies of “...every final judgment or order affecting title to or lien on real property or for the recovery of money or property, and any other order which the court may direct to be kept.”

The Court’s CM/ECF computer system provides electronic access to these orders in an acceptable form.

IT IS HEREBY ORDERED that Court’s CM/ECF computer system fulfills the requirements of Fed. R. Bankr. P. 5003 and will serve as the Court’s judgment/order registry.

IT IS SO ORDERED.

Dated this 24th day of May, 2006.

s/ Robert E. Nugent
ROBERT E. NUGENT
Chief Judge

s/ Janice Miller Karlin
JANICE MILLER KARLIN
Judge

s/ Dale L. Somers
DALE L. SOMERS
Judge

s/ Robert D. Berger
ROBERT D. BERGER
Judge

Comment: This proposed Standing Order implements the Methods Analysis Program recommendation for maintaining a judgment book and replaces the existing “hard copy” system.

~~_____~~
~~_____~~
~~_____~~
~~_____~~
**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
STANDING ORDER NO. 06-03
REQUIRED FORM REGARDING PAYMENT ADVICES**

~~— Pursuant to 11 U.S.C. § 521(a)(1)(B)(iv), all individual debtors are required to file "copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor." Pursuant to 11 U.S.C. § 521(f), if a debtor fails to file the payment advices within 45 days of the date of the filing of the petition, "the case shall be automatically dismissed effective on the 46th day after the date of the filing of the petition" unless the debtor requests an extension of time before the expiration of the 45-day period and the court finds justification for extending the time for filing the required documents.~~

~~— Although a full review of a debtor's schedules or Statement of Financial Affairs might suggest that a particular debtor may not have received payment advices during the prior year, such review may not in all cases be accurate, such review is time-consuming for the Clerk's staff, and the review may not in every case be accurate in definitively determining that a debtor has not received any payment advices or other evidence of payment within 60 days before the date of the filing of the petition. To assist the Clerk's Office in determining whether the case must be dismissed on the 46th day, the Court adopts the attached form, which all individual debtors are required to use when attempting to comply with 11 U.S.C. § 521(a)(1)(B)(iv). If this completed and signed form is not filed within 45 days of the date of filing (or an extension for the filing of those documents), the Court will assume debtor has received such advices, but has simply failed to provide them, and the case will be automatically dismissed on the 46th day after filing. The Court will continue to send a Notice of Deficiency if the Declaration Regarding Payment Advices is not filed with the petition (and that Notice will reference a 15-day period to correct because that is the time period the Court has adopted for other petition deficiency issues). If a case has joint debtors, each debtor must complete a separate Declaration.~~

~~— This Standing Order is identical to Standing Order 06-02, except that it corrects one potentially confusing word in the attached form. Standing Order 06-02 is thus now rescinded.~~

~~_____~~
~~_____~~
IT IS SO ORDERED.

~~_____~~
~~_____~~
~~Dated this 31st day of May, 2006.~~

~~_____~~
~~_____~~
~~s/ Robert E. Nugent~~
~~ROBERT E. NUGENT, Chief Judge~~

~~_____~~
~~_____~~
~~s/ Janice Miller Karlin~~
~~JANICE MILLER KARLIN, Judge~~

~~_____~~
~~_____~~
~~s/ Dale L. Somers~~
~~DALE L. SOMERS, Judge~~

~~_____~~
~~_____~~
~~s/ Robert D. Berger~~
~~ROBERT D. BERGER, Judge~~

~~United States Bankruptcy Court~~
~~District of Kansas~~

In re _____, Case No. _____
Debtor Chapter _____

~~DECLARATION REGARDING PAYMENT ADVICES OR EVIDENCE OF PAYMENT~~
~~UNDER 11 U.S.C. § 521(a)(1)(B)(iv)~~

~~I declare (or certify, verify, or state) under penalty of perjury that the following is true and correct~~
~~(CHECK ONE OF THESE BOXES):~~

☐ ~~I have not been employed by any employer within the 60 days before the date of the filing of the~~
~~petition.~~

☐ ~~I was employed by an employer within 60 days before the date I filed my bankruptcy petition, but~~
~~I have not received payment advices or other evidence of payment because~~

_____.

☐ ~~I have received payment advices or other evidence of payment within 60 days before the date I filed~~
~~my bankruptcy petition from any employer, and they are attached.~~

~~Executed on _____ (date) by _____ (debtor)~~

Comment: D. Kan. Bk. S.O. 06-03 is rescinded. The substance of this Standing Order has been incorporated into changes in 1007.1(F) and to Appendix 1-01 to LBR 1007.1.